

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV467-01-MU

JEFFERY J. PELZER,)
)
Plaintiff,)
)
v.)
)
FNU CHERRY, et. al.,)
)
Defendants.)
_____)

ORDER

THIS MATTER comes before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983, filed October 29, 2009.

Plaintiff, an inmate at the Mecklenburg County Jail, has filed a Complaint alleging a claim of excessive force. In addition to naming Correctional Officer Cherry as a defendant, Plaintiff lists an unnamed sergeant and unnamed DART members as defendants. In order to proceed, these individuals needs to be identified by name. Consequently, this Court will order the Mecklenburg County Sheriff to provide the Court and Plaintiff with the identity of the sergeant and the DART members involved in the alleged excessive force incident at Mecklenburg County Jail described by Plaintiff in his Complaint. Upon receipt of this information, Plaintiff must inform the Court which individuals he wishes to name as defendants and he must state clearly the specific actions attributable to each individual.

THE COURT HEREBY ORDERS that:

1. Within twenty (20) days of the filing of this Order, the Mecklenburg County Sheriff shall

provide the Court and the Plaintiff with the identity of the sergeant and DART members who were involved in the incident that forms the basis of Plaintiff's Complaint; and

2. Within twenty (20) days of receiving the above-referenced identities from the Mecklenburg County Sheriff, Plaintiff must inform the Court which individuals he wishes to name as defendants and he must state clearly the actions attributable to each individual. Plaintiff is cautioned that a failure to comply with this directive will result in the dismissal of his case.

Signed: November 3, 2009

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

